IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20277 of 1994

Between:

1 Galanki Sundaraiah, S/o. Kesava Rao,
R/o. Peduru(V), T.P.Guduru (M).
2 Galanki Vasanthamma, W/o. Sundaraiah,
R/o. Peduru(V), T.P.Guduru (M).
3 Galanki Sreenivasulu, S/o. Sundaraiah,
R/o. Peduru(V), T.P.Guduru (M).

..... PETITIONERS.

AND

1 The Collector , Nellore.
2 The Mandal Revenue Officer, Thotapalli ,
Guduru (M), Nellore Dist.
3 Uppala Rammaiah,
Peduru (V), T.P.Guduru(M),
Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction in the nature of Writ declaring the order of the 2nd respondent in Rc.B.No.607/94 dt.30.10.1994 as illegal, *mala fide*, arbitrary, violative of the principles of natural justice , violative of Art.300-A of the Constitution of India, has made without jurisdiction or authority of law.

Counsel for the Petitioner:MR.J.V.PRASAD

Counsel for the Respondent 1 & 2: G.P. for Revenue (Assignments)

Counsel for the Respondent No.3: None appeared.

The Court made the following :

ORDER:

Heard Sri J.V.Prasad, the learned counsel appearing on behalf of the petitioners and the learned Government Pleader for Revenue (Assignments) appearing on behalf of the respondents.

In this writ petition, the petitioners seek to declare the orders of the second respondent dated 30.10.1994 as illegal, *mala fide,* arbitrary, violative of the principles of natural justice.

This Court, at the time of admission, had granted *Status-quo* in W.P.M.P.No.25026 of 1994, dated 16.11.1994 and the same is still subsisting. However, having heard the counsel on either side and on perusal of the material, it is to be seen that as against the orders of the second respondent, the petitioners have got a remedy of appeal to the first respondent. Without exhausting the same, the petitioners have straight away filed this writ petition by invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

Having regard to the fact that the petitioners have got alternate and efficacious remedy of appeal, I do not find any justification to go into the merits of the case.

The writ petition is, accordingly, dismissed, with liberty to the petitioners to file an appeal to the first respondent within a period of six weeks from today and on receipt of which, the first respondent shall dispose of the same on merits in accordance with law after giving notice and opportunity to the petitioners. It is needless to mention that the *status-quo* granted by this Court shall continue to remain in operation till the disposal of the appeal, and if no appeal is filed as directed, the *status-quo* orders shall not remain in operation. No costs.

B. PRAKASH RAO, J

10th March 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Collector , Nellore.
2 The Mandal Revenue Officer, Thotapalli ,
Guduru (M), Nellore Dist.
3 Two C.Cs. to the G.P. for Revenue(Assignments), High Court Building, Hyderabad (OUT).

4 Two C.D. copies.